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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional Working Group
15-19 May 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the third periodic report of Australia concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.22)

I. GENERAL INFORMATION

1. Please provide a summary of the steps undertaken by the Government of Australia in response to the Committee's suggestions and recommendations embodied in its concluding observations on the second periodic report of Australia on articles 13-15 (E/C.12/1993/9, 1993).

2. Please explain how the State party ensures that its treaty obligations under the Covenant are understood and implemented on the State/territory level.

II. ISSUES RELATING TO GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1: Self-determination

3. What are the issues relating to the rights of indigenous Australians to self-determination, and how have these issues impeded the full realization of their economic, social and cultural rights?

4. Please indicate the Australian Government's position with regard to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.

Article 2: Obligations of States parties

5. Please describe the efforts of the Australian Government in international assistance and cooperation.

6. In its international economic relations, especially in the field of international trade and investment policy formulation, to what extent does the Government take into account its obligations under the Covenant, particularly under articles 2 (1), 1 (1) and 22?

7. Please discuss the extent to which the Covenant has been incorporated into domestic law, if at all. Why is the Covenant excluded from the Human Rights and Equal Opportunity Commission system into which all the rest of the major international human rights instruments have already been incorporated?

8. Please indicate the Government's response to the apparent disadvantage that indigenous Australians suffer in the area of economic, social and cultural rights because of their cultural background, in particular discrimination in employment, housing, health and education. The report discusses to some extent the measures in place for those who are disadvantaged in education, in particular the Aboriginal and Torres Straits Islanders, but these measures do not address the problem of discrimination.

9. Please cite specific examples of how human rights can be "more readily promoted by less formal processes often associated with inquiry, conciliation and report" (para. 21 of the report). In particular, please illustrate how findings and recommendations of inquiries and conciliations are enforced.

10. Please provide detailed information on the situation of refugees and asylum-seekers in Australia, in particular those who are under detention. To what extent do refugees and asylum-seekers have access to adequate living conditions, including food and housing, health care, education and cultural life?

Article 3: Equal rights of men and women

11. How are the economic activities of Australian women, in particular indigenous women, supported by the Australian Government so as to improve their situation and development? Please indicate how measures in this regard are implemented and the difficulties encountered.

III. ISSUES RELATING TO SPECIFIC RIGHTS (arts. 6-15)

Article 6: The right to work

12. Please provide updated information on the reforms in employment services scheduled to be introduced in May 1998 (para. 46 of the report). What forms of assistance are now in place for unemployed people and how does the Government ensure access to such assistance, especially for the long-term unemployed, recent migrants, persons with disabilities, women and youth?

13. According to parallel reports from Australian NGOs, unemployment is a problem across Australia, particularly in South Australia where youth unemployment is the highest in the country at 32.5 per cent and where job loss in the public sector is significant. How is the Government addressing this problem?

Article 7: The right to just and favourable conditions of work

14. Home-based outworkers are mostly women, many of whom are from South-East Asia. Reports claim that these women and their children are exploited and unprotected. What measures are being taken by the Government to address their situation and that of the outworkers employed in textile, clothing and footwear industries, as far as wages and just and favourable conditions of work are concerned?

Article 8: The right to form and join trade unions

15. The ILO Committee of Experts has noted that the Workplace Relations Act of 1996 has the effect of discouraging collective bargaining and restricting the right to strike, and has recommended that this legislation be reviewed and amended. Despite this recommendation, the Government has formulated new proposals for further restricting the functioning of trade unions. How does the Government reconcile this legislation with its treaty obligations under article 8 of the Covenant?

Article 9: The right to social security and social insurance

16. What measures has the Government put in place to cushion the impact of the significant cuts in the social security budget and to address the administrative delays in the service delivery area being blamed on the introduction of Centrelink?

17. What steps has the Government taken to assist migrants adversely affected by the mandatory two-year waiting period for social security payments, bearing in mind that many of them are disadvantaged by limited resources, language difficulties and lack of cultural familiarity?

Article 10: The right to protection and assistance for the family

18. Please provide comprehensive and current statistical information on the problem of domestic violence.

19. Please discuss in detail how government initiatives address the cultural dimensions of domestic violence, particularly those that relate to Aboriginal women in remote areas.

20. To what extent has the reform of the Family Law Act of 1996 resulted in reducing the protection provided to women in child residence/contact cases before the Family Court where domestic violence is an issue? To what extent has the interpretation of this law by the judiciary and lawyers been prejudicial to women, and in this regard, what legal aid is available for women who want to oppose their child's contact with the father on the ground of domestic violence?

21. What remedies are available for women and children who are victims of rape and sexual assault? How does the Government assist them during and after the period of recovery from their brutal experience?

22. Please provide the latest detailed information available regarding the problem of sexual abuse of children in Australia.

Article 11: The right to an adequate standard of living

23. Reports claim that the gap between the rich and the poor in Australia has widened and this has created communities across Australia distressed by poverty, poor housing, unemployment, poor health and poor education. Furthermore, reports also claim that the resource distribution of the larger share of the country's resources is unevenly distributed in favour of a small percentage of the population at the top of the income scale. What specific measures are being undertaken by the Government to reduce the gap between the rich and the poor, and what achievements have there been in this regard?

24. Recent estimates show that as many as 23 per cent of Australian children under 15 years of age live in poverty. What measures are being taken by the Government to address the problem?

25. Please provide comparative statistics covering the past five years on the national budget for public housing, the number of individuals who have access to public housing and the number of homeless people in Australia. What are the causes of homelessness and why has the Government failed to address the rising numbers of homeless people in the country?

26. Australia's report to the Committees's pre-sessional working group held in May 2000 provides current information regarding measures undertaken to ensure that the preparations for the Sydney Olympic Games do not impede the enjoyment of the right to adequate housing, particularly for those who reside in the vicinity of the sporting events. In this regard, please discuss how such measures are implemented, how many people have taken advantage of the protective measures and to what extent rehousing is based on consent. What are the difficulties in implementing these measures?

27. It is reported that the inner city of Redfern, which was pledged to the Aboriginal peoples for housing in 1973, has become the scene of forced evictions in an attempt to clean up the suburb because of its proximity to the Olympic City Centre. Please comment on these reports, bearing in mind the contents of the Committee's General Comment No. 7 on forced evictions.

28. What is the status of the following groups in relation to hunger, malnutrition and lack of access to adequate food: indigenous peoples, homeless persons, single-parent families, children, unemployed persons, low-income earners, older persons, persons with disabilities, rural people, refugees and asylum-seekers?

Article 12: The right to the highest attainable standard of physical and mental health

29. Please provide information on the impact of decreases in social expenditure, decentralization of responsibility from the federal to the State/territory levels and increasing privatization of health services on the delivery of specialist services, particularly for vulnerable groups including women and indigenous Australians.

30. Please provide more details on the progress achieved by the Government with regard to the health status of indigenous Australians who reportedly continue to suffer much poorer health, substantially lower life expectancy, high maternal and infant mortality rates and much higher rates of infectious diseases than the general population.

Article 13. The right to education

31. Reports from Australian NGOs claim that access to free education at all levels in Australia is decreasing rather than progressively increasing as provided for in the Covenant. They also claim that the Government is funding private schools while at the same time failing to provide adequate funding to maintain standards in many public schools. Please provide information on these concerns.

32. Why are primary schools in Western Australia allowed to ask for "voluntary" fees up to A$ 60, in contradiction to the obligations of Australia under the Covenant?

33. What measures will the Government take to ensure that teachers, the staff and other members of the school communities are appropriately trained to ensure that children with disabilities are given equal educational opportunities?

34. Please provide information on the working conditions of teachers in light of reports that their situation has become worse in recent years and that teachers' pay has declined relative to average weekly earnings of the Australian workforce. It has also been reported that a growing number of teachers are now being placed on short-term contracts. Please indicate the rationale behind this move.

Article 15. The right to take part in cultural life

35. In what ways has the Government utilized policies, strategies and programmes related to arts and culture, sport and recreation to address other issues that have an impact on the enjoyment of economic, social and cultural rights? Please discuss the results of such efforts.

36. Please provide information on the disparities in the provision of access to public facilities between indigenous and non-indigenous Australians living in communities in rural and remote Australia.

37. Australian NGOs have expressed concern over the disproportionate allocation of funding for elite sports compared with community-level sport and leisure participation projects. Furthermore, their researches have shown that disparities between urban and rural or remote areas, between men and women, between indigenous Australians and other minorities and the wider community, and between younger and older Australians persist in access and resource allocation to sporting facilities. Please comment on these concerns.